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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,094	12/14/2001	Tomio Shibuya	J12023	6507

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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/017,094

Applicant(s)

SHIBUYA ET AL.

Examiner

Andre' L. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-11, 14-17 and 21 is/are rejected.
- 7) ☒ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 7-11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 3,091,795 to Budwig in view of USPN 4,664,574 to Kasai. Budwig discloses a grommet comprising grommet elements (1) made of a resin material. Each grommet element having an outer tube portion (3) having opposite open ends and adapted to be inserted into a hole (B) formed in a panel (C). Each grommet element having a flange (2) formed at an outer periphery of one of the ends of the outer tube portion and adapted to be in contact with a first side surface and second side surface respectively of the panel. One of the grommet element's tube portion is adapted to be inserted into the outer tube portion of the other grommet element. Each of the outer and inner tube portions (engaged) is provided with an engagement means (7, 8) for coupling the grommet elements to each other so that, upon engagement thereof, one of the flanges of the grommet elements is adapted to be brought into contact with one of the first and second side surfaces of the panel around the panel hole and the other flange of the other grommet element is brought into contact with the other of the first and second side surfaces of the panel, whereby the grommet sandwiches the panel between the flanges.

The flange of the male grommet has an outer diameter smaller than a diameter of the flange of the female grommet (as seen in Fig. 6) and each of the flanges has an outer peripheral portion

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formed in a curved shape to be directed toward the fabric to allow each of the flanges to bite into the fabric in a state when the male and female grommets are coupled to each other by the engagement means. Each of the flanges has an outer peripheral portion formed in a curved shape to be directed toward the mat to allow each of the flanges to bite into the mat when the grommet elements are coupled to each other by the engagement means. However, Budwig does not disclose that at least one of the grommet element's flange has a larger outside dimension than that of the other flange of the other grommet element. Kasai teaches an eyelet assembly comprising a cylindrical body portion member (1) having a flange (3). A separable plate member (6) including a peripheral flange (7) is also included for mating relationship with the cylindrical portion. As seen in Figs. 6 and 7 the peripheral flange of the plate member has a larger outside dimension than the body portion member. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the grommet of Budwig to include the eyelet assembly of Kasai to provide an improved grommet formed to bite into a material at distinctive axial positions providing an increased area of retention of the material.

Claims 3-6, 15-17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Budwig in view of Kasai and further in view of USPN 6,238,765 to Bailey. Budwig discloses that the grommet is adapted to pinch or sandwich a panel or other material but Budwig does not specifically disclose that the material is a floor mat including an upper carpet layer and a lower rubber base layer. Bailey et al describes a vehicle floor mat (30). The floor mat includes a planar member (40) having a top surface (42) of a carpet material (45) bonded onto it. A plurality of spaced-apart engaging members (46) is formed on a bottom side (43) of the planar member and the engaging members are formed from an elastomer or rubber-like material such as a

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thermoplastic elastomer. It would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the grommet of Budwig to include the floor mat as described by Bailey et al to provide a grommet that effectively secures a floor mat to a floor board of a vehicle.

Referring to claims 4, 5, 9, 11, 14, 16 and 21 Kasai discloses that that the flange of the plate member includes a plurality of spaced protrusions (10) extending for engagement with a surface of a fabric, the cylindrical body portion include pins or detents (5) that bite into the surface of the fabric to prevent relative rotation. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the grommet of Budwig to include the protrusions and pins taught by Kasai to provide a firm attaching grommet able to prevent rotation of a material juxtaposed with the interlocking grommet elements.

Referring to claims 7, 8, 10 and 17, Budwig further discloses an annular concavity (11) adjacent each flange of the grommet elements surrounding the tube portions. See column 2, lines 34-36.

Allowable Subject Matter

Claims 12 and 13 are allowed over the prior art of record.

Claims 18- 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art of record does not disclose or suggest the specific structural elements as recited in the above claims. In particular, the prior does not disclose or suggest at least a female grommet has a plurality of radial, circumferentially spaced stiffening ribs formed in a concavity between a tube portion and an outer peripheral portion of the female grommet. None of the prior art references whether taken alone or in combination disclose or suggest the specific arrangement as stated above as set forth in applicant's claims.

Response to Applicant's Arguments

Applicant's arguments filed in Amendment B on June 24, 2003 have been fully considered but they are not persuasive. After careful consideration of applicant's remarks, pending claims and the prior art of record, the Examiner respectfully withdraws rejection of applicant's claims in view of Kasai in combination with Frano, Bailey et al and Bell. However, upon reconsideration of the prior art as a whole, the Examiner believes USPN 3,091,795 to Budwig in combination with Kasai meets the limitations of applicant's claims. Accordingly, claims 1-11, 14-17 and 21 are rejected over Budwig in view of Kasai. Claims 12 and 13 are allowed and claims 18-20 are objected to.

Conclusion

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn in view of new grounds of rejection presented in this Action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276.

The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

André L. Jackson
Patent Examiner
AU 3677

ALJ
July 3, 2003



Anthony Knight
Supervisory Patent Examiner
Group 3600